

**Virginia Board of Licensed Professional Counselors,
Marriage and Family Therapists, and
Substance Abuse Professionals
MINUTES
May 5, 2000**

TIME AND PLACE: The meeting was called to order at 9:08 a.m. at the Virginia Beach Resort Hotel and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia

PRESIDING: Susan D. Leone, Ed.D. Chair of the Board presided.

MEMBERS PRESENT: Abigail C. Barnes
Timothy E. Clinton, Ed.D.
Maurice Graham, D.Min.
Ruth A. Hancock
Rosemarie S. Hughes, Ph.D.
Michael J. Kelly
Jack Knapp, D.D.
Howard R. King, Jr., Ph.D.
Susan D. Leone, Ed.D.
Janice F. McMillan, Ph.D.
Howard O. Protinsky, Ph.D.
Eric T. Scalise
Lynette Lewis Shadoan
J. Steve Strosnider

STAFF PRESENT: Evelyn B. Brown, Executive Director
Janet Delorme, Deputy Executive Director
Joyce Williams, Administrative Assistant

OTHERS PRESENT: Robert Storer

PUBLIC COMMENTS: There were no public comments.

MINUTES: The minutes of February 18, 2000 were approved with corrections.

WORK GROUP REPORTS: CSAC Issues
Dr. Hughes reported that this work group recommended that the Board appoint an advisory committee to:

1. Pursue mandatory certification
2. Define Certified Substance Abuse Counselor
3. Develop a specified scope of practice and supervision requirements for various levels of this certification.

The following individuals are recommended to be on this advisory committee as well as any interested Board members:

Charles Gressard
Paula Horvatic
Kevin Doyle
Downing Miller
Frank Brandt
Robert Storer

It is recommended that this advisory committee operate for six months. All Board members will be notified of the advisory committee's meetings.

Discipline and Dual Relations

Dr. McMillan reported that this group discussed the language in the regulations regarding intimate relationships between therapists and former clients as well as in the supervision relationship. The group felt that the licensees needed to be more informed about dual relationships issues and will produce an article for the newsletter that could also be used by discipline teams in the future to guide them in working with discipline cases that may involve dual relationships. The group decided not to develop a guidance document at this time, but to create an educational document that will enlighten the licensees regarding this matter.

Credentials – Guidance Document

Dr. King reported that this group developed the following guideline to address practica or internships completed through distance learning: The applicant must have completed a supervised practicum or internship. If the practicum or internship is in a distance learning program, the applicant must submit a syllabus to document reasonable and customary supervision and face to face counseling. Beginning April 12, 2002, the applicant must document that the practicum or internship is 600 hours, to include 240 hours of client contact and 20 hours of face to face contact on-site with the supervisor and 20 hours of face to face contact off-site with the supervisor who holds a license acceptable to the Board.

The Credentials Committee for the Board will evaluate these individuals on a case by case basis to determine if the distance learning practicum or internship is satisfactory.

Examination

Dr. Graham reported that this group noted that NBCC has two types of examinations. One is the National Counselor Examination (NCE) that was developed for school counselors. It is also given at the end of an individual's master's program and it is not a clinical examination. NBCC also has a clinical examination titled National Certified Clinical Mental Health Counselors Examination (NCCMHC). It is given after completion of clinical experience. The group recommended that the Board ask NBCC to come to the Board's August Examination Committee meeting and bring both the NCE and NCCMHC examinations for the Board to review. NBCC will also be asked to present a comparative study of the current Virginia examination and the NCCMHC examination.

Dr. Graham asked the Board's Licensed Professional Counselor members to attend this meeting to give feedback.

Supervision

Dr. Clinton reported that this group noted that the supervision survey Kirsten Barrett is doing is more comprehensive than the survey that the Board did about a year and a half ago. The group reviewed Ms. Barrett's survey in detail and approved the survey. Dr. Clinton reported that the group noted how important supervision is in training counselors and protecting individuals seeking services. He said that it is important for the Board to move forward and develop regulations governing supervision and supervisors to assure compliance.

Executive Committee

Dr. Leone commended the standing committees for their hard work. She reported that she reviewed the quarterly budget report, and the Board is solvent. She announced that effective July 1, 2000, the Board will be titled Board of Counseling. It was noted in the Executive Committee meeting that there is a need to revisit the continuing education legislation.

The Committee also discussed committee assignments and made the following changes:

Discipline Committee Chair – Lynnette Shadoan
 Regulatory Committee Chair – ~~Janet~~ ^{Janice} McMillan

Dr. Leone announced that Dr. Hughes has resigned from the Regulatory Committee due to other commitments.

Dr. Leone announced that Dr. Knapp was appointed to the Board of Health Professions (BHP).

Dr. Leone announced that Mr. Strosnider's second term will end and that Ms. Hancock will not seek reappointment.

EXECUTIVE DIRECTOR: Legislation

Ms. Brown reported that HB253 changes the Board's title to Board of Counseling, effective July 1, 2000.

Ms. Brown reported that HB452 requires the Board of Psychology to promulgate regulations to require continuing education for its licensees. Bill sets a specific number of hours ~~because~~ and requires that the regulations include emphasis on moderate to severe mental illness.

Ms. Brown reported that HB677 requires that mental health service providers who are told of misconduct by another mental health service provider inform patients of their right to contact the Department of Health Professions, advise the patients how to contact the Department and document in the patient's record any alleged misconduct by the other practitioner. The record should include the category of licensure or certification of the mental health service provider and approximate date of treatment if known. There is a penalty for not informing the client of his right to file a complaint. However, the mental health provider who does the charting has immunity from civil litigation. Ms. Brown noted that persons licensed or certified by the Department who are not defined as mental health services providers do not have to meet this requirement.

Ms. Brown reported that the Board of Psychology requested that she ask BHP to do a study regarding adding the other licensed or

misconduct. BHP has indicated that the Governor has requested that it reduce studies and voted not to pursue this study at this time.

Ms. Brown reported that HB815 requires that practitioners accept a photocopy or facsimile of an original request for release of medical records.

The Board continued to discuss HB677 and express concern.

A motion was made by Dr. Hughes and seconded by Dr. McMillan that Dr. Knapp ask BHP to reconsider HB677, specifically the issue of supporting a legislative change to civil immunity for reporting "gross misconduct" by all professions regulated by the Department of Health Professions. The motion passed unanimously.

REGULATIONS:

Ms. Delorme reported that fee changes went into effect April 12, 2000 for the following:
 Regulations Governing the Practice of Marriage and Family Therapy
 Regulations Governing the Certification of Substance Abuse Counselors
 Regulations Governing the Certification of Rehabilitation Providers

Ms. Delorme reported the Regulations Governing the Practice of Professional Counseling which included the endorsement language, changes in supervision requirements, delayed effective requirements in the education amendments, and fee changes also went into effect April 12, 2000.

Ms. Delorme reported that the Board is waiting for approval to publish the proposed regulation for fee changes in the Regulations Governing Substance Abuse Treatment Practitioners.

Ms. Delorme reported that the PreNOIRA to provide for grandfathering non-master's level individuals to become Licensed Substance Abuse Treatment Practitioners has not been approved by the Governor's office.

Dr. Hughes discussed the Board's Public Participation Guidelines and the changes being proposed. Those Guidelines are attached (B) as a part of the minutes. A motion was made by Dr. Hughes and seconded by Dr. Knapp that the Board adopt the PreNOIRA to

amend the Public Participation Guidelines. The motion passed unanimously.

COMMITTEE REPORTS: Regulatory Committee

Dr. Hughes reported that the Committee has completed the task of making the language consistent in the regulations. The Chair of each committee will receive a copy of the consistency changes.

Dr. Hughes reported that the Committee wanted to recognize significant opposition from licensed professional counselor organizations and licensed clinical psychologist organizations to the proposed grandfathering regulations that were approved by this Board for the Licensed Substance Abuse Treatment Practitioner.

Credentials Committee

Dr. King reported on the credentials reviewed as follows:

- 2 LPC registrations of supervision were not approved
- 1 LPC applicant was approved for endorsement
- 1 LPC applicant was not approved for endorsement or examination
- 2 LPC applicants were not approved for examination
- 2 LPC applicants were approved for examination

1 CSAC applicant was not approved for examination. This applicant will be invited to come for an informal conference after he has satisfied his monetary restitution resulting from a felony offense.

19 SATP applications were approved for endorsement. At the February Credentials Committee meeting, five SATP applications were approved for endorsement.

Discipline

Mr. Strosnider reported that the Board has seven complaints in Enforcement and two cases at Board level. He further reported that one formal hearing is to be held. There is one consent order for surrender of certification pending signature of the respondent, and three licensees are on probation.

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NEW BUSINESS:**American Association of State Counseling Boards (AASCB)**

Dr. Hughes announced that she is program chair for next year's AASCB conference. She indicated that this Board should be thinking about its presentations now, because the RFPs will go out in July or August, and the Virginia Board has given some outstanding presentations in the past.

Dr. Hughes reported that AASCB's "new board member training" will be changed to "board member training" and there will be a whole day of specific training for board members.

At the upcoming conference "portability" will be an issue. It appears the American Counseling Association's professional committee will attend. NBCC will also attend and discuss a national examination.

Behavioral Science Boards

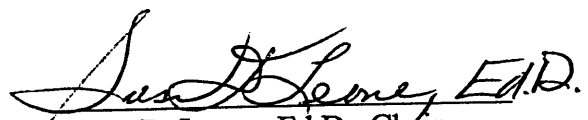
This Board agreed to accept the Virginia Board of Social Work's invitation to meet with the Boards of Social Work and Psychology to discuss such issues as consistency in standards of practice and any other issues that may be similar across the professions.

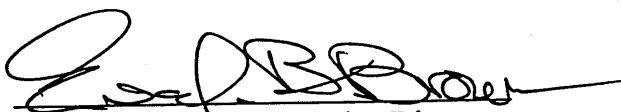
Board Meeting Change

The November meeting date was changed to November 9. The committees will meet on November 8. This change was made since the November 17 meeting date coincided with the Virginia Counselors Association Meeting in Roanoke.

ADJOURNMENT:

The meeting adjourned at 11:25 a.m.


Susan D. Leone, Ed.D., Chair


Evelyn B. Brown, Executive Director